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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,694	02/01/2001	Yuichi Higuchi	35.CI5094	3090
5514	7590	01/27/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			JACOBS, LASHONDA T	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/774,694	HIGUCHI, YUICHI	
	Examiner LaShonda T Jacobs	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 September 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) _____ is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) 1-19, 21-39, 41-59 and 74-79 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION***Response to Amendment***

This Office Action is in response to applicant's Request for Reconsideration filed on January 12, 2004. The rejections of this application have been withdrawn due to a restriction requirement (the examiner should have raised the issue of restriction and the examiner takes this opportunity to correct her position by raising the issue of restriction). Claims 1-18 and 20-29 are presented for examination.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121.
 - I. Claims 1-8, and 74-75, drawn to a server capable of communicating with a client and a device, comprising a first management means for managing information representing ability of said device, second management means for managing information representing ability of a device driver, which is executed by the client for the device; retrieval condition reception means for receiving, from the client, a retrieval condition for selecting the device, etc. classified in class 709, subclass 223.
 - II. Claims 9-12, 29-32 and 49-53, drawn to a client capable of communicating with a server comprising transmission means for transmitting to said server a retrieval condition for selecting a device; reception means for receiving a retrieval result which is based on the retrieval condition, device ability information and information representing ability of

a device driver for the device, and which is expressed in a form for discriminating a function executable by the device driver, etc, classified in class 709, subclass 203.

III. Claims 14-18, 19, 34-38, 39, 54-58 and 59, drawn to device capable of communicating with a server, which transmits to a client a retrieval result in response to a retrieval condition sent from client for retrieving a device comprising first transmission means for transmitting information representing ability of said device to the server and second transmission means for transmitting, to the server, information representing ability of a device driver, which is executed by said client, for said device, classified in 709, subclass 217.

2. The inventions are distinct, each from another because of the following reasons:

Inventions I and II are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method where reception means for receiving a retrieval result which is based on the retrieval condition, device ability information and information representing ability of a device driver for the device and which is expressed in a form for discriminating a function executable by the device driver and the display control means for causing a display unit to display the retrieval result received by said reception means (as set forth in invention II). See MPEP § 806.05(d).

3. The inventions are distinct, each from another because of the following reasons:

Inventions I and III are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method where first transmission means for transmitting information representing ability of said device to the server and second transmission means for transmitting, to the server, information representing ability of a device driver, which is executed by said client for said device (as set forth in invention III). See MPEP § 806.05(d).

4. The inventions are distinct, each from another because of the following reasons:

Inventions II and III are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method where first transmission means for transmitting information representing ability of said device to the server and second transmission means for transmitting, to the server, information representing ability of a device driver, which is executed by said client for said device (as set forth in invention III). See MPEP § 806.05(d).

Conclusion

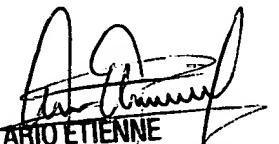
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
January 11, 2005



ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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